IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUM. SUIT NO. 3084 OF 2002

WITH

NOTICE OF MOTION NO. 538 OF 2005

Natwarlal Chottalal Mehta ... Plaintiff

vs.

Jagdish Ramlal Parekh ... Defendant.

Mr. Neeta Solanki i/by Kiran Jain & Co.

for the plaintiff.

CORAM : S.U. KAMDAR, J.

DATED : 28TH OCTOBER, 2005.

P.C.

. By an order dated 23.11.2004 a conditional leave to defend was granted to the defendant. The defendant has failed to deposit the money. The Prothonotary has issued a non-deposit certificate. Even after extension of time granted by the appellate court the amount has not been deposited. In that view of the matter the plaintiff is entitled to decree. The plaintiff has tendered original documents. The same are taken on record and marked Exhibit P-1 collectively. Suit decreed as prayed.

No order as to costs. Refund of Court fee as per rules.

2. In view of the disposal of the suit, Notice of Motion No. 539 of 2005 does not survive. The same is dismissed as infructuous.